

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

JAVIER LUIS,

Plaintiff,

v.

Case No. 8:12-cv-500-T-33AEP

CARLA BERGMANN, ET AL.,

Defendants.

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**ORDER**

This matter comes before the Court pursuant to Defendant Zang General Contractors, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue or, in the Alternative, for Transfer of Venue (Doc. # 43) and Defendants Joseph Zang's and Joseph Zang Custom Builders' Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue or, in the Alternative, for Transfer of Venue (Doc. # 44), both filed on July 30, 2012.

Plaintiff was given an opportunity to respond to the Motions but failed to do so. As of the date of this Order, the time for Plaintiff to respond to the Motions under the Court's Local Rules has elapsed. The Court construes Plaintiff's failure to respond to the Motions as Plaintiff's assent to the relief requested in the Motions.

Accordingly, the Court grants the Motions by transferring this action to the Southern District of Ohio where a related, first-filed case is currently pending: Zang, et al. v. Zang, et al., 1:11-cv-884-SJD (case filed December 17, 2011). In the Motions, Defendants have correctly asserted that venue is not proper in this action as none of the Defendants reside in Florida (in fact, each Defendant in this suit is located in Ohio with the exception of Awareness Technologies, a California corporation). In addition, the Court determines that this district is not where "a substantial part of the events or omissions giving rise to the claim occurred." 28 U.S.C. § 1391(b).

Pursuant to 28 U.S.C. § 1404(a), which states, "[f]or the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought," the Court hereby transfers this case to the United States District Court for the Southern District of Ohio.

Accordingly, it is now


**ORDERED, ADJUDGED, and DECREED:**

- (1) Defendant Zang General Contractors, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue or, in the Alternative, for Transfer of Venue (Doc.

# 43) and Defendants Joseph Zang's and Joseph Zang Custom Builders' Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue or, in the Alternative, for Transfer of Venue (Doc. # 44) are **GRANTED** to the extent that the Court transfers this case to the United States District Court for the Southern District of Ohio.

(2) The Clerk is directed to effect transfer as outlined above and, thereafter, to close this case.

**DONE** and **ORDERED** in Chambers, in Tampa, Florida, this 20th day of August 2012.

  
VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE

Copies to:  
All Counsel of Record